

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KATHY KETHCHUM,)	
)	
Plaintiff,	)	No. 14 C 6694
	)	Consolidated with
v.	)	14 C 7091
	)	14 C 7092
	)	14 C 7371
FREEDMAN ANSELMO LINDBERG, LLC	)	14 C 7373
and PORTFOLIO RECOVERY ASSOCIATES,	)	14 C 7812
LLC,	)	14 C 8173
Defendants.	)	14 C 8175
	)	14 C 8217
)	
	)	Hon. Harry D. Leinenweber

MOTION FOR LEAVE TO SUPPLEMENT
AND CITE ADDITIONAL AUTHORITY

Defendants, FREEDMAN ANSELMO LINDBERG, LLC and PORTFOLIO RECOVERY ASSOCIATES, LLC ("Defendants"), by and through their attorneys Hinshaw & Culberson, LLP moves to dismiss Plaintiff's Complaint for failure to state a claim, and for its Motion for Leave to Cite Additional Authority in Support of its Motion to Dismiss (Dkt. #19) states as follows:

1. On December 16, 2014, Defendant filed its Motion to Dismiss Plaintiff's Complaint for failure to state a claim because Plaintiff's claim is time barred. (Dkt. #19, 20). Plaintiff filed her response on December 24, 2014. (Dkt. #22). Defendant filed its reply on February 6, 2015. (Dkt. #25). Thus, briefing on Defendant's Motion is complete.

2. The only issue is whether the entry of a judgment in a state court collection case revives the FDCPA's one year statute of limitations for an FDCPA claim brought under 15 U.S.C. § 1692i, the FDCPA's venue provision.

3. After the parties fully briefed the motion to dismiss, Northern of District of Illinois judges have ruled upon this issue in identical cases and have dismissed each of these complaints with prejudice on the basis that the suits were barred by the FDCPA's one year statute of limitations.

4. The rulings are as follows:

- a. *Smith v. Markoff Law, LLC*, 14-cv-7809 (N.D. Ill.) (J. Shah), Feb. 4, 2015, transcript hereto as Exhibit 1;
- b. *Ford v. Blatt, Hassenmiller, Leibsker, & Moore, LLC*, 14-cv-9601 (N.D. Ill.) (J. Shah), Feb. 4, 2015, transcript attached hereto as Exhibit 2; and
- c. *Pihl v. Law Office of Keith S. Shindler, Ltd.*, 14-cv-7116 (N.D. Ill.) (J. Blakey), Mar. 10, 2015, opinion attached hereto as Exhibit 3.

5. The plaintiffs in *Smith* and *Ford* alleged that the entry of a default judgment in the underlying collection suit violated § 1692i of the FDCPA. In *Pihl*, the plaintiff alleged that the order of installment payments of judgment and costs in the underlying collection suit violated § 1692i of the FDCPA.

WHEREFORE, Defendants, FREEDMAN ANSELMO LINDBERG, LLC and PORTFOLIO RECOVERY ASSOCIATES, LLC ("Defendants"), respectfully requests this Court grant its Motion for Leave to Supplement and Cite Additional Authority in support of its Motion to Dismiss Plaintiff's Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) and award any other relief in its favor this court deems appropriate.

Respectfully submitted,

FREEDMAN ANSELMO LINDBERG LLC,
Defendant

PORTFOLIO RECOVERY ASSOCIATES,
LLC, Defendant

/s/ Jonathon D. Drews

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2015 I electronically filed Defendant's Motion for Leave to Cite Additional Authority with the Clerk of the Court, using the CM/ECF system reflecting service to be served upon all parties of record.

/s/ Lindsey A.L. Conley

Lindsey A.L. Conley